

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

REGIS COLLEGE

Employer

And

Case 01-RC- 236359

**REGIS COLLEGE PUBLIC
SAFETY ASSOCIATION**

Petitioner

DECISION AND DIRECTION OF ELECTION¹

The Employer, Regis College (Regis) operates a private non-profit college in Weston, Massachusetts. The Petitioner, Regis College Public Safety Association (Union), has petitioned to represent a bargaining unit comprised of police officers, sergeants, and dispatchers employed by the Regis College Police Department (Department).

The Employer asserts that the four sergeants are statutory supervisors, based on their authority to direct work, assign work, discipline employees, and reward employees. The Employer argues that the sergeants should therefore not be included in a bargaining unit with the ten dispatchers and police officers. The parties agree that the dispatchers and police officers belong in any appropriate unit.²

I find that the Employer has not met its burden of demonstrating the supervisory status of the sergeants, and I shall direct an election in the unit petitioned for by the Union.

Police Department Operations

Roger Goode is the Employer's Associate Vice President of Auxiliary and Business Services. He reports directly to Thomas Pistorino, the Employer's Vice President and Chief Financial Officer. Associate Vice President Goode oversees multiple departments, including

¹ The petition in this case was filed under Section 9(c) of the Act. The parties were provided opportunity to present evidence on the issues raised by the petition at a hearing held before a hearing officer of the National Labor Relations Board (the Board). I have the authority to hear and decide this matter on behalf of the Board under Section 3(b) of the Act. I find that the hearing officer's rulings are free from prejudicial error and are affirmed; that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction; that the Petitioner is a labor organization within the meaning of the Act; and that a question affecting commerce exists concerning the representation of certain employees of the Employer.

² At the time of the hearing, the Petitioner was undecided as to whether it wished to proceed to an election in a unit including only the police officers and the dispatchers.

Facilities Management, Dining Services, the Purchasing Department, the mailroom, the bookstore, transportation, and the Police Department. The Director of Public Safety, Frank Bielawski, reports directly to Associate Vice President Goode.

The Police Department is currently comprised of Director Bielawski; four sergeants; and ten police officers and dispatchers. The Employer is in the process of hiring a Chief of Police, who beginning in late March 2019 will perform the duties currently handled by Director Bielawski. Although Director Bielawski will be available as a resource for the new Chief of Police going forward, he will not continue to act as a director of the Police Department. Rather, the Department will be comprised of the new Chief of Police and the fourteen petitioned-for employees.

The four sergeants are responsible for performing many of the same duties as the police officers, such as patrolling the campus, directing traffic, and maintaining the safety of the community. The sergeants are also responsible for performing administrative work inside the police station. Sergeant Henry Politakis, the only sergeant to testify at the hearing, stated that he spends the majority of his time patrolling but that recently he has spent more time doing administrative duties “on Monday and Tuesday and days that we fill overtime.”³ Associate Vice President Goode testified that Sergeant Politakis “does a lot more as far as administrative responsibility” although all four sergeants have equal responsibilities, job descriptions, and pay ranges.

The Department operates seven days a week in three shifts. The day shift works from 7:00 a.m. to 3:00 p.m.; the evening shift works from 3:00 p.m. to 11:00 p.m.; and the night shift works from 11:00 p.m. to 7:00 a.m. Director Bielawski generally works from 7:00 a.m. to 3:00 p.m. on weekdays. The sergeants, police officers, and dispatchers work a “five and two” schedule, with the exception of one part-time sergeant who works three days per week. Each shift is staffed by one sergeant, one dispatcher, and one or more police officers. A sergeant is usually the most senior member of the Department on campus.⁴ Sergeants are also responsible for passing information from one shift to the next.

³ The Employer has asked me to draw an adverse inference because the Union presented only Sergeant Politakis to testify to his interactions with Director Bielawski although another sergeant was present in the hearing room and may have testified to different interactions with the Director. I decline to do so. The Employer was free to subpoena any of the sergeants in the proposed unit or to arrange for Director Bielawski himself to testify. It did not. In addition, as discussed herein, the Employer bears the burden of establishing supervisory status, and if it believed that sergeants other than Sergeant Politakis would have a different perspective on the position, it could and should have called them. Therefore, I rely on the testimony of the two witnesses the parties chose to call without speculation as to why either party did not choose to call more or different witnesses.

⁴ However, Director Bielawski is generally on-call and accessible by phone. Sergeant Politakis, testified that “every single day” he calls Director Bielawski “when he’s off the clock.” For example, on March 4, 2019, Sergeant Politakis called Director Bielawski three times: once because he needed authorization to tow cars; once because a requested vacation day would have left the Department without sufficient coverage; and a third time for reasons Sergeant Politakis could not recall.

The Sergeants' Role in Assigning Work and Responsible Direction

- Assignment to a Shift

Most Department employees work a regular schedule; for example, Sergeant Politakis works the day shift and Sergeant James Garballey works the evening shift. Associate Vice President Goode testified that Sergeant Politakis puts together a spreadsheet to confirm that there is adequate shift coverage and that higher level managers are not consulted regarding shift changes before receiving an email from Sergeant Politakis, although “if there are questions or concerns... [Sergeant Politakis] would come to see me and we would talk about them.” Sergeant Politakis also finalizes timesheets other than his own.

Associate Vice President Goode further testified that sergeants are ultimately responsible for ensuring that shifts are properly staffed and have the authority to refuse leave requests. Sergeant Politakis testified that while he approves vacation days in the Employer’s tracking system, he does so only per the approval of Director Bielawski. There is no evidence in the record that suggests a sergeant has ever been disciplined for failing to ensure that a shift is properly staffed. Rather, the record suggests that Director Bielawski and Associate Vice President Goode are generally aware of the schedule well in advance. Additionally, there are “blackout periods” (such as commencement) when all officers are expected to work and it is undisputed that sergeants cannot approve leave.

- Assignment to Overtime

The Employer uses an unfinalized operations manual to which Sergeant Politakis has contributed by providing Associate Vice President Goode with older memos and documents that cover similar issues. The operations manual includes policies which prevent senior employees from “cherry picking” the best assignments and require an equitable spread of overtime across the Department.⁵

Sergeant Politakis testified that the sergeants assign overtime via the industry standard: those who have worked the fewest hours are assigned overtime before those who have worked the most hours.⁶ An individual already working will be “held over” for a vacancy in the next shift unless that individual has already worked a double shift. Director Bielawski ordered

⁵ I do not find that Sergeant Politakis’ research for and contributions to an unfinalized manual rise to the level of managerial authority, and neither party has suggested that Sergeant Politakis is a manager.

⁶ Associate Vice President Goode testified that “the list is not the first thing the sergeant would go through” because the sergeant could hold over an officer from the previous shift or ask an officer from the next shift to come in early. This is not inconsistent with Sergeant Politakis’ testimony that the Department follows industry standard by first attempting to hold over or call in an officer already on the schedule before utilizing the list.

Sergeant Politakis to maintain the list, which is kept in the police station where anyone, including officers, can review or modify it as needed.

Likewise, detail assignments are offered pursuant to a list. Officers can accept or reject an offered detail assignment. Associate Vice President Goode testified that the decision to increase the size of the detail is made by the sergeants, but also testified that external details are “predominantly in the planned for category” and thus are discussed at the weekly Conferences and Events meeting which includes sergeants “whenever they are able.” Sergeant Politakis testified that he cannot authorize the approval of a detail assignment without the approval of Director Bielawski. The record includes no examples of specific details authorized by specific individuals.

- Assignment to a Duty

Associate Vice President Goode testified that in the event of an unexpected incident, such as a traffic accident, the sergeant will make a decision in the moment to send officers to help or to redirect traffic. Additionally, Vice President Goode testified that if an officer is needed to make a presentation at an informational session (such as Active Shooter Training), a sergeant will know which individual is a particularly good public speaker. A sergeant might also decide to assign a female officer rather than a male officer to investigate an alleged sexual assault. Similarly, a sergeant might also determine that one employee should work a detail at a basketball game because another employee is sick or has just worked a sixteen-hour shift. However, Associate Vice President Goode confirmed that “all of campus police goes through a bunch of various types of trainings to make sure that they're able to handle those kinds of things.”

Sergeant Politakis testified that he distributes work based on availability. As an example, he stated that if an officer was “tied up” when a dispatcher sent that officer to investigate an incident, he would handle the incident himself, as he is likely the only other member of the Department on campus.

The Sergeants' Role in Discipline and Rewards

According to Associate Vice President Goode, a sergeant may send an employee home if the employee appears to be intoxicated or otherwise incapable of performing his or her duties; according to the testimony of Sergeant Politakis, he does not have the authority to send someone home for the day if that person commits misconduct, and would need to contact Director Bielawski for permission. The record offers no examples of a sergeant removing an employee from a shift, or otherwise disciplining an employee, with or without permission of Director Bielawski.

Sergeant Politakis testified that if “somebody did good on a job” he would write a memo to make sure that the Director was aware that the individual had gone “above and beyond.” He stated that the memo would be placed in a personnel file and used for future consideration, including consideration for promotions. The record reveals, however, no concrete evidence that these memos have ever been used to evaluate an employee for promotion or any other form of

award. Sergeant Politakis concluded only that Director Bielawski “reviews them and does what he does with them.”

Secondary Indicia

The sergeants are paid at a higher rate than the officers and dispatchers. They sometimes attend meetings with higher-level managers to discuss staffing. They refer to one another as “supervisors.” Their job description states that they are “responsible for the supervision of all officers conducting law enforcement work in the protection of life and property, prevention of crime, apprehension of criminals, and the enforcement of laws and ordinances at Regis College” and that responsibilities “include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.”

The Employer also notes that if the sergeants are included in the bargaining unit, the Department will consist of only one statutory supervisor and fourteen bargaining unit employees, an unusual ratio in public safety departments.

ANALYSIS

Supervisory Status

Pursuant to Section 2(11) of the Act, the term “supervisor” means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively recommend such action, where the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. To qualify as a supervisor, it is not necessary that an individual possess all of the powers specified in Section 2(11) of the Act. Rather, possession of any one of them is sufficient to confer supervisory status, *Chicago Metallic Corp.*⁷

The burden of proving supervisory status rests on the party alleging that such status exists, *NLRB v. Kentucky River Community Care*.⁸ The status of a supervisor under the Act is determined by an individual’s duties, not by his title or job classification, *New Fern Restorium Co.*⁹ The Board will refrain from construing supervisory status too broadly, because the

⁷ 273 NLRB 1677, 1689 (1985).

⁸ 532 U.S. 706, 121 S.Ct. 1861, 167 LRRM 2164 (2001).

⁹ 175 NLRB 871 (1969).

inevitable consequence of such a construction is to remove individuals from the protection of the Act, *Quadrex Environmental Co.*¹⁰

The Employer argues that the sergeants are statutory supervisors because they assign work and responsibly direct other employees; and because they discipline and reward other employees.

Assigning Work and Responsible Direction

In *Oakwood Healthcare, Inc.*,¹¹ the Board refined its analysis of the terms “assign,” “responsibly direct,” and “independent judgment” in assessing supervisory status. The Board announced that it construes the term “assign” to refer to “the act of designating an employee to a place (such as a location, department, or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks, to an employee.”¹²

With respect to “responsible direction,” the Board explained in *Oakwood* that, if a person has “men under him” and if that person decides what job shall be undertaken next or who shall do it, that person is a supervisor, provided that the direction is both “responsible” and carried out with independent judgment. For direction to be “responsible,” the person directing the oversight of the employee must be accountable for the performance of the task by the other. To establish accountability, it must be shown that the employer delegated to the putative supervisors authority to direct the work and take corrective action, if necessary. It also must be shown that there is a prospect of adverse consequences for the putative supervisors if they do not take these steps.¹³

Finally, the Board held in *Oakwood* that to establish that an individual possesses supervisory authority with respect to any of the statutory functions, the individual must also exercise independent judgment in exercising that authority, which depends on the degree of discretion with which the function is exercised. “[T]o exercise independent judgment, an individual must at a minimum act, or effectively recommend action, free of the control of others and form an opinion or evaluation by discerning and comparing data.”¹⁴ “[A] judgment is not independent if it is dictated or controlled by detailed instructions, whether set forth in company policies or rules, the verbal instructions of a higher authority, or in the provisions of a collective-

¹⁰ 308 NLRB 101, 102 (1992).

¹¹ 348 NLRB 686 (2006).

¹² Id. at 689.

¹³ Id. at 689-692.

¹⁴ Id. at 693.

bargaining agreement.”¹⁵ The Board also stated that the degree of discretion exercised must rise above the “routine or clerical.”¹⁶

- Assignment to a Shift or to Overtime

There is insufficient evidence to suggest that sergeants at issue here assign employees to a time, as police officers, security officers, and dispatchers work a regular schedule. Expected changes to the schedule, such as vacation coverage, are known to higher authorities before the schedule is finalized. When a sergeant becomes responsible for filling an unexpected vacancy, the sergeant does not use his own judgment but rather follows an established industry-standard procedure of “holding over” an employee already working unless that employee has already worked a double shift. In that case, the sergeant does not use independent judgment to choose someone to fill the vacancy, but rather orders the person who has worked the fewest hours to cover the shift. It is well established that an individual’s role in scheduling employees does not necessarily establish that the individual is a statutory supervisor. The Board has often found this to be a clerical function in the absence of evidence that the scheduling requires independent judgment, *Dean and DeLuca New York, Inc.*;¹⁷ *Boston Medical Center Corp.*;¹⁸ *Sav-On Drugs, Inc.*¹⁹ Further, the Board has held that seeking off-duty volunteers to help out when the facility is shorthanded falls short of supervisory authority to assign, *Golden Crest Healthcare Center*;²⁰ *Heritage Hall, E.P.I Corp.*;²¹ *Youville Healthcare Center, Inc.*²²

The Employer notes in its brief that Sergeant Politakis testified that either he or Associate Vice President Goode would approve leave requests, although Associate Vice President Goode testified that he has no role in the process, meaning that Sergeant Politakis alone approves leave requests. However, Sergeant Politakis further testified that Director Bielawski has final approval and that Director Bielawski ordered him to handle the attendance/payroll system. As Director Bielawski did not testify, I credit Sergeant Politakis’ testimony that he has no real authority to approve leave requests and is merely performing a clerical function.

¹⁵ Id.

¹⁶ Id.

¹⁷ 338 NLRB 1046, 1048 fn. 15 (2003).

¹⁸ 330 NLRB 152, 203 fn. 153 (1999).

¹⁹ 243 NLRB 859, 861 (1979).

²⁰ 348 NLRB 727 (2006).

²¹ 333 NLRB 458, 459 (2001).

²² 326 NLRB 495, 496 (1998).

- Assignment to a Duty

The Employer contends that the sergeants are involved in assigning officers to certain duties because sergeants are aware of which officers are available; which officers might most sensitively handle a sexual assault case; and which officers are the strongest public speakers. However, it is undisputed that each officer is equally able perform the duties required by each sector.²³ Thus, the Employer has failed to establish that it requires independent judgment to make these assignments, in the absence of any evidence that the sergeants consider the relative skills or characteristics of the officers in sending them to one post versus another, *Network Dynamics Cabling, Inc.*²⁴ (no independent judgment proved absent evidence that putative supervisor assessed the relative skills of employees in shifting them from one task or crew to another).

With respect to assigning overall duties to an employee, or determining what job shall be undertaken next and who shall perform it, the Department relies heavily on mere availability. The dispatcher, not a sergeant, asks an officer to respond to an incident; the dispatcher normally has a choice of only one officer to contact, as often only one officer is working during a given shift. Sergeant Politakis testified that he overrules the decision of a dispatcher only when the assigned officer is busy elsewhere, and in that event he handles the call himself.²⁵ The Employer has failed to establish that any of these directions require independent judgment, *Croft Metals, Inc.*²⁶ (Board will not conclude that the degree of discretion involved rises above the routine or clerical where the employer adduced almost no evidence regarding the factors weighed or balanced by the lead person in making production decisions and directing employees).

²³ In its brief, the Employer relies upon a Regional Director's Decision in *Harvard University*, Case No. 01-RC-079519 (May 31, 2012). In that case, sergeants evaluated officers' skills in many sorts of investigations: some officers were particularly experienced in computer crimes while others were specially trained to handle sexual assault cases. Here, testimony suggests only that some sexual assault victims prefer to speak to a female officer and so a sergeant might make an effort to assign a female officer to the task—although all officers are equally qualified. Furthermore, the sergeants in *Harvard University* made daily determinations as to which officers will patrol by vehicle, on foot, or by bike and which will man a stationary post. There were approximately sixty police officers employed in the *Harvard University* matter, resulting in the sergeants generally choosing between five to ten officers to handle a given incident. The sergeants at issue here have no opportunity to do so.

²⁴ 351 NLRB 1423, 1425 (2007).

²⁵ In its brief, the Employer relies upon a Regional Director's Decision in *Pinkerton Gov't Servs.*, Case No. 10-RC-15511 (May 2, 2005). In that case, seven officers patrolled an outside area while 20 to 30 officers were assigned to an inside area during any given shift. As such, a sergeant had the option to choose which of many officers to assign to any given task, and did so. The Regional Director of Region 10 found that the sergeants were supervisors in part because they exercised discretion in reassigning officers. The structure of the business at issue here does not allow for the exercise of such discretion; rather, a sergeant's decision to handle a problem himself because the only officer on campus is busy elsewhere is a decision that is routine and clerical in nature.

²⁶ 348 NLRB 717, 721 (2006).

- Responsible Direction

Further, in order to establish supervisory status on the basis of responsible direction, *Oakwood Healthcare* requires the Employer to demonstrate that the sergeants are held accountable for the performance of the security officers on their shifts. There is no record evidence that the sergeants have ever actually faced or been told they would face any material consequences to their own terms and conditions of employment, based on the performance of their subordinates. The only evidence concerning this factor is Associate Vice President Goode's testimony that sergeants are ultimately responsible for ensuring that shifts are properly staffed. The record does not suggest any particular consequence for the sergeants, adverse or positive, and is far too vague to establish the requisite accountability, *Golden Crest Healthcare Center*²⁷ (employer presented no evidence that any charge nurse has experienced any material consequences to her terms and conditions of employment, either positive or negative, as a result of her performance in directing CNAs, nor any evidence that a charge nurse was ever informed that any such material consequences might result from her performance in directing CNAs); *Alstyle Apparel*²⁸ (respondent must present evidence of "actual accountability" to prove responsible direction).

The Sergeants' Role in Discipline and Rewards

The record offers no examples of a sergeant removing an employee from a shift, or otherwise disciplining an employee, with or without permission of Director Bielawski. Similarly, the record reveals no concrete evidence that a positive memo written by a sergeant about an officer has ever been used to evaluate an employee for promotion or any other sort of reward.

The testimony of Associate Vice President Goode that sergeants have the authority to discipline and reward officers, and the sergeants' job description that makes similar claims, are not sufficient for me to make a finding of supervisory status. It is well-established that policy alone is not sufficient to establish supervisory status under the Act. The Board has held that job descriptions will be rejected as mere paper authority absent independent evidence that an individual asserted to be a supervisor actually possesses the described authority, *Training School at Vineland*.²⁹

Secondary Indicia

In concluding that the Employer has failed to meet its burden of establishing the sergeants' supervisory status, I acknowledge that the sergeants possess several secondary indicia of supervisory status. In this regard, the sergeants are paid at a higher rate than the officers and

²⁷ 348 NLRB 727, 731 (2006).

²⁸ 351 NLRB 1287 (2007).

²⁹ 332 NLRB 1412, 1416 (2000).

dispatchers. They sometimes attend meetings with higher-level managers to discuss staffing. If they are not supervisors, the Department will, unusually, be left with only one statutory supervisor. Furthermore, their job description refers to them as supervisors. The Board has long held, however, that secondary indicia are insufficient by themselves to establish supervisory status when there is no evidence presented that an individual possesses any one of the several primary Section 2(11) indicia. *Golden Crest Healthcare Center*;³⁰ *Ken-Crest Services*.³¹

Conclusion

Accordingly, based upon the foregoing and the stipulations of the parties at the hearing, I shall direct an election in the following voting group for this purpose:

All full-time and regular part-time police officers, sergeants, and dispatchers employed by the Employer at its Weston, Massachusetts location, but excluding all other employees and supervisors as defined in the Act

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by Bentley University Public Safety Association.

A. Election Details

The election will be held on Wednesday, March 27, 2019, from 6:30 a.m. to 7:30 a.m. and 2:30 p.m. to 3:30 p.m. at the first floor rear office at the Police Station, Employer's premises, 235 Wellesley St, Weston, MA 02493.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending March 9, 2019, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well

³⁰ 348 NLRB at 730 fn. 10.

³¹ 335 NLRB 777, 779 (2001).

as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by March 19, 2019. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the non-posting of notices if it is responsible for the non-posting, and likewise shall be estopped from objecting to the non-distribution of notices if it is responsible for the non-distribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: March 15, 2019

/s/ Paul J. Murphy

PAUL J. MURPHY

ACTING REGIONAL DIRECTOR

NATIONAL LABOR RELATIONS BOARD

REGION 01

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